

## § 262.106

(i) Methods and observations that may be used to detect the presence or release of a hazardous substance;

(ii) The chemical and physical hazards associated with laboratory wastes in their work area;

(iii) The relevant measures a laboratory worker can take to protect human health and the environment; and

(iv) Details of the Environmental Management Plan sufficient to ensure they manage laboratory waste in accordance with the requirements of this Subpart.

(6) Requirements pertaining to Laboratory visitors:

(i) Laboratory visitors, such as on-site contractors or environmental vendors, that require information and training under this standard must be identified in the Environmental Management Plan.

(ii) Laboratory visitors identified in the Environmental Management Plan must be informed of the existence and location of the Environmental Management Plan.

(iii) Laboratory visitors identified in the Environmental Management Plan must be informed of relevant policies, procedures or work practices to ensure compliance with the requirements of the Environmental Management Plan.

(7) Each University must define methods of providing objective evidence and records of training and information dissemination in its Environmental Management Plan.

### **§ 262.106 When must a hazardous waste determination be made?**

(a) For laboratory waste sent from a laboratory to an on-site hazardous waste accumulation area, each University must evaluate the laboratory wastes to determine whether they are solid wastes under RCRA and, if so, determine pursuant to § 262.11 (a) through (d) whether they are hazardous wastes, as soon as the laboratory wastes reach the University's Hazardous Waste Accumulation area(s). At this point each University must determine whether the laboratory waste will be reused or whether it must be managed as RCRA solid or hazardous waste.

(b) For laboratory waste that will be sent from a laboratory to a TSD facility permitted to handle the waste, each

## 40 CFR Ch. I (7–1–11 Edition)

University must evaluate such laboratory wastes to determine whether they are solid wastes under RCRA and, if so, determine pursuant to § 262.11 (a) through (d) whether they are hazardous wastes, prior to the 30-day deadline for removing dated laboratory waste from the laboratory.

(c) Laboratory waste that is determined to be hazardous waste is no longer subject to the provisions of this subpart and must be managed in accordance with all applicable provisions of 40 CFR Parts 260 through 270.

### **§ 262.107 Under what circumstances will a university's participation in this environmental management standard pilot be terminated?**

(a) EPA retains the right to terminate a University's participation in this Laboratory XL project if the University:

(1) Is in non-compliance with the Minimum Performance Criteria in § 262.104; or

(2) Has actual environmental management practices in the laboratory that do not conform to its Environmental Management Plan; or

(3) Is in non-compliance with the Hazardous Waste Determination requirements of § 262.106.

(b) In the event of termination, EPA will provide the University with 15 days written notice of its intent to terminate. During this period, which commences upon receipt of the notice, the University will have the opportunity to come back into compliance with the Minimum Performance Criteria, its Environmental Management Plan, or the requirements for making a hazardous waste determination at § 262.106 or to provide a written explanation as to why it was not in compliance and how it intends to return to compliance. If, upon review of the University's written explanation, EPA then re-issues a written notice terminating the University from this XL Project, the provisions of paragraph (c) of this section will immediately apply and the University shall have 90 days to come into compliance with the applicable RCRA requirements deferred by § 262.10(j). During the 90-day transition period, the provisions of this subpart

shall continue to apply to the University.

(c) If a University withdraws from this XL project, or receives a notice of termination pursuant to this section, it must submit to EPA and the state a schedule for returning to full compliance with RCRA requirements at the laboratory level. The schedule must show how the University will return to full compliance with RCRA within 90 days from the date of the notice of termination or withdrawal.

**§ 262.108 When will this subpart expire?**

This subpart will expire on April 15, 2009.

[71 FR 35550, June 21, 2006]

**Subpart K—Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities**

SOURCE: 73 FR 72954, Dec. 1, 2008, unless otherwise noted.

**§ 262.200 Definitions for this subpart.**

The following definitions apply to this subpart:

*Central accumulation area* means an on-site hazardous waste accumulation area subject to either § 262.34(a)–(b) of this part (large quantity generators) or § 262.34(d)–(f) of this part (small quantity generators). A central accumulation area at an eligible academic entity that chooses to be subject to this subpart must also comply with § 262.211 when accumulating unwanted material and/or hazardous waste.

*College/University* means a private or public, post-secondary, degree-granting, academic institution, that is accredited by an accrediting agency listed annually by the U.S. Department of Education.

*Eligible academic entity* means a college or university, or a non-profit research institute that is owned by or has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or has a formal written affiliation agreement with a college or university.

*Formal written affiliation agreement* for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research and/or education and is signed by authorized representatives, as defined by § 260.10, from each institution. A relationship on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. A *formal written affiliation agreement* for a teaching hospital means a master affiliation agreement and program letter of agreement, as defined by the Accreditation Council for Graduate Medical Education, with an accredited medical program or medical school.

*Laboratory* means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are considered laboratories. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also considered laboratories.

*Laboratory clean-out* means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or that have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor/occupant. A regularly scheduled removal of unwanted material as required by § 262.208 does not qualify as a laboratory clean-out.

*Laboratory worker* means a person who handles chemicals and/or unwanted material in a laboratory and may include, but is not limited to, faculty, staff, post-doctoral fellows, interns, researchers, technicians, supervisors/managers, and principal investigators. A person does not need to be